Public Hearing

3:15 pm

CDBG Disaster Recovery Program Grant Application

Judge Executive David Jones opened the Public Hearing. Those present signed an attendance sheet (copy attached). Judge Jones introduced Joanna Davis with the Green River Area Development District. Ms. Davis gave a brief summary of the proposed grant which included the amount of the grant, the proposed activities, and a history of past use of CDBG funds. Judge Jones also allowed EMA Director, Charlie Shields, to add any additional comments and information he wanted to share with the public. There were no written comments, concerns, or objections received in the Judge's office from citizens. With no further questions or discussion from those present, Judge Executive Jones closed the Public Hearing.

3:30 P.M., Ohio County Community Center, Hartford, Ky

Meeting called to order by Judge Executive David Jones. Prayer by Magistrate Jason Bullock. Pledge to the American flag.

Those present were as follows:

David G. Jones
Gregory B. Hill
Cheryl Morris

Judge Executive
County Attorney
Fiscal Court Clerk

Hayward D. Minton Absent

Jason Bullock Magistrate District 2

Richard Robinson Absent

Larry Keown Magistrate District 4
Bill Burden Magistrate District 5

Motion made by Esq. Burden that the Court approve the minutes of the regular meeting on July 27, 2010 as presented (on file in Fiscal Court Order Book, Clerk's office):

The motion was seconded by Esq. Keown and after discussion of said motion the vote being called for was as follows:

Minton Absent
Bullock Yes
Robinson Absent
Keown Yes
Burden Yes
Jones Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve the bills, claims, payments and transfers as presented (copy on file, Clerk's office).

The motion was seconded by Esq. Keown and after discussion of said motion the vote being called for was as follows:

Minton Absent
Bullock Yes
Robinson Absent
Keown Yes
Burden Yes
Jones Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Keown that the Court approve the Treasurer's Financial Statement for the month of July 2010 as presented (copy on file, Clerk's office).

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton Absent
Bullock Yes
Robinson Absent
Keown Yes
Burden Yes
Jones Yes

And said motion was unanimously adopted, and it is so ordered.

> Motion made by Esq. Burden that the Court approve to advertise for bids to construct a 25' x 28' addition to the Ohio County Animal Shelter.

The motion was seconded by Judge Jones and after discussion of said motion the vote being called for was as follows:

Minton Absent Bullock Yes Robinson Absent Keown Yes Burden Yes Jones Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve a Resolution regarding Tab V-3-2, Designation of Applicant's Agent regarding FEMA assistance (copy attached).

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton Absent Bullock Yes Robinson Absent Keown Yes Burden Yes Jones Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve the following Resolution regarding LGEDF coal severance funding in the amount of \$29,667 for Equipment Purchase:

RESOLUTION OHIO COUNTY FISCAL COURT

ADOPTION OF A RESOLUTION OF THE OHIO COUNTY FISCAL COURT AUTHORIZING THE FILING OF A KENTUCKY LOCAL GOVERNMENT ECONOMIC DEVELOPMENT FUND ("LGEDF") PROJECT PROPOSAL/GRANT APPLICATION FOR UP TO \$29,667 IN LOCAL GOVERNMENT ECONOMIC DEVELOPMENT SINGLE COUNTY FUNDS WITH THE DEPARTMENT FOR LOCAL GOVERNMENT (DLG); AUTHORIZING AND DIRECTING THE OHIO COUNTY JUDGE/EXECUTIVE TO EXECUTE ANY DOCUMENTS WHICH ARE DEEMED NECESSARY BY DLG TO CARRY OUT THIS PROJECT; AND AUTHORIZING THE JUDGE/EXECUTIVE TO ACT AS THE AUTHORIZED CORRESPONDENT FOR THIS PROJECT.

WHEREAS, Ohio County ("County") desires to promote and carry out economic development efforts on behalf of the residents of Ohio County by supporting the Road Department Equipment Project; and,

WHEREAS, it is recognized that LGEDF monies available to the County for the purposes stated herein, pursuant to KRS 42.4582 to 42.495 and 2010 Kentucky General Assembly House Bill 1 (Budget Bill), impose certain obligations and responsibilities upon the County and will require among other things:

- 1) Approval of a satisfactory application transmitted to DLG for approval; and,
- 2) Other obligations of the County in connection with receiving the LGEDF grant of monies for the purposes stated herein;

NOW, THEREFORE, be it resolved this 17th day of August, 2010, by the Ohio County Fiscal Court:

That a Project Proposal/Grant Application on behalf of the County for LGEDF monies up to \$29,667 for the Road Department Equipment Project shall be submitted to DLG; the County shall provide such additional information and furnish such documentation as may be required, and the County Judge/Executive shall act as the authorized correspondent for this Project.

Done this 17 th day of August, 2010. members present voting unanimously in favor.	Motion by _	Judge Jones	and seconded by	y <u>Esq. Keown</u>
				DAVID JONES OHIO COUNTY JUDGE EXECUTIVE

ATTEST:

CHERYL MORRIS FISCAL COURT CLERK

The motion was seconded by Esq. Keown and after discussion of said motion the vote being called for was as follows:

Minton Absent Bullock Yes Robinson Absent Keown Yes Burden Yes Jones Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve the following Resolution regarding LGEDF coal severance funding in the amount of \$100,000 for assistance to the City of Centertown for water improvements:

RESOLUTION OHIO COUNTY FISCAL COURT

ADOPTION OF A RESOLUTION OF THE OHIO COUNTY FISCAL COURT AUTHORIZING THE FILING OF A KENTUCKY LOCAL GOVERNMENT ECONOMIC DEVELOPMENT FUND ("LGEDF") PROJECT PROPOSAL/GRANT APPLICATION FOR UP TO \$100,000 IN LOCAL GOVERNMENT ECONOMIC DEVELOPMENT SINGLE COUNTY FUNDS WITH THE DEPARTMENT FOR LOCAL GOVERNMENT (DLG); AUTHORIZING AND DIRECTING THE OHIO COUNTY JUDGE/EXECUTIVE TO EXECUTE ANY DOCUMENTS WHICH ARE DEEMED NECESSARY BY DLG TO CARRY OUT THIS PROJECT; AND AUTHORIZING THE JUDGE/EXECUTIVE TO ACT AS THE AUTHORIZED CORRESPONDENT FOR THIS PROJECT.

WHEREAS, Ohio County ("County") desires to promote and carry out economic development efforts on behalf of the residents of Ohio County by supporting the City of Centertown Water Improvement Project; and,

WHEREAS, it is recognized that LGEDF monies available to the County for the purposes stated herein, pursuant to KRS 42.4582 to 42.495 and 2010 Kentucky General Assembly House Bill 1 (Budget Bill), impose certain obligations and responsibilities upon the County and will require among other things:

- 3) Approval of a satisfactory application transmitted to DLG for approval; and,
- 4) Other obligations of the County in connection with receiving the LGEDF grant of monies for the purposes stated herein;

NOW, THEREFORE, be it resolved this 17th day of August, 2010, by the Ohio County Fiscal Court:

That a Project Proposal/Grant Application on behalf of the County for LGEDF monies up to \$100,000 for the City of Centertown Water Improvement Project shall be submitted to DLG; the County shall provide such additional information and furnish such documentation as may be required, and the County Judge/Executive shall act as the authorized correspondent for this Project.

Done this 17th day of August, 2010. Motion by <u>Judge Jones</u> and seconded by <u>Esq. Burden</u>, members present voting unanimously in favor.

DAVID JONES	
OHIO COUNTY	JUDGE EXECUTIVE

ATTEST:

CHERYL MORRIS
FISCAL COURT CLERK

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton Absent
Bullock Yes
Robinson Absent
Keown Yes
Burden Yes
Jones Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve the following Resolution regarding the transfer of ownership of KY 6127 – McCormick Road (0.297 mile) from the State to the County:

RESOLUTION OHIO COUNTY FISCAL COURT

A RESOLUTION TO ACCEPT THE TRANSFER OF OWNERSHIP OF KY 6127 – McCORMICK ROAD FROM THE STATE ROAD SYSTEM.

WHEREAS, By motion of the Ohio County Fiscal Court on June 29, 2010, Ohio County approved to accept the transfer of KY 6127 – McCormick Road into the county road maintenance inventory contingent upon the State surfacing both the state (0.297 mile) and county (0.198 mile) owned portions of KY 6127 – McCormick Road; and,

WHEREAS, By letter dated August 5, 2010 from District Two Chief Engineer, the Kentucky Transportation Cabinet approved to transfer the ownership of and maintenance responsibilities for KY 6127-McCormick Road and its associated right-of-way to the Ohio County Fiscal Court recommended by the District Two Engineer; and,

WHEREAS, The Kentucky Department of Transportation also agreed to complete surface work to the state and county owned portions of KY 6127 – McCormick Road prior to the end of the paving season which ends November 15, 2010; and,

WHEREAS, Official transfer of ownership will not occur until all surface work is completed by the Kentucky Department of Highways,

NOW, THEREFORE, BE IT RESOLVED BY THE OHIO COUNTY FISCAL COURT, that the Court agrees to accept the terms of the transfer of ownership of KY 6127 – McCormick Road (0.297 mile).

IT IS HEREBY ORDERED THIS 17th DAY OF AUGUST 2010.

E EXECUTIVE

ATTEST: ____CHERYL MORRIS
FISCAL COURT CLERK

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton Absent
Bullock Yes
Robinson Absent
Keown Yes
Burden Yes
Jones Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Bullock that the Court approve the following Resolution regarding the transfer of ownership of KY 6119 – W.D. Leach Lane(0.313 mile) from the State to the County:

RESOLUTION OHIO COUNTY FISCAL COURT

A RESOLUTION TO ACCEPT THE TRANSFER OF OWNERSHIP OF KY 6119 – W. D. LEACH LANE FROM THE STATE ROAD SYSTEM.

- WHEREAS, By motion of the Ohio County Fiscal Court on June 29, 2010, Ohio County approved to accept the transfer of KY 6119 W. D. Leach Lane into the county road maintenance inventory contingent upon the State surfacing both the state (0.313 mile) and county (0.136 mile) owned portions of KY 6119 W. D. Leach Lane; and,
- WHEREAS, By letter dated August 5, 2010 from District Two Chief Engineer, the Kentucky Transportation Cabinet approved to transfer the ownership of and maintenance responsibilities for KY 6119-W. D. Leach Lane and its associated right-of-way to the Ohio County Fiscal Court recommended by the District Two Engineer; and,
- WHEREAS, The Kentucky Department of Transportation also agreed to complete surface work to the state and county owned portions of KY 6119 W. D. Leach Lane prior to the end of the paving season which ends November 15, 2010; and,
- WHEREAS, Official transfer of ownership will not occur until all surface work is completed by the Kentucky Department of Highways,

NOW, THEREFORE, BE IT RESOLVED BY THE OHIO COUNTY FISCAL COURT, that the Court agrees to accept the terms of the transfer of ownership of KY 6119 – W. D. Leach Lane (0.313 mile).

IT IS HEREBY ORDERED THIS 17th DAY OF AUGUST 2010.

	DAVID JONES OHIO COUNTY JUDGE EXECUTIVE
ATTEST:	OHIO COUNTY JUDGE EXECUTIVE
CHERYL MORRIS	
FISCAL COURT CLERK	

The motion was seconded by Judge Jones and after discussion of said motion the vote being called for was as follows:

Minton Absent
Bullock Yes
Robinson Absent
Keown Yes
Burden Yes
Jones Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve the following Resolution prioritizing the LGEDF Coal Severance Projects for FY's 2010-2011 and 2011-2012:

RESOLUTION OHIO COUNTY FISCAL COURT

ADOPTION OF A RESOLUTION OF THE OHIO COUNTY FISCAL COURT AUTHORIZING THE FOLLOWING PROJECTS TO BE FUNDED IN THE PRIORITY ORDER LISTED BELOW VIA RELEASE OF SINGLE COUNTY COAL SEVERANCE FUNDS ESTABLISHED IN HOUSE BILL 1 AND ENACTED BY THE 2010 GENERAL ASSEMBLY.

WHEREAS, the Kentucky General Assembly, in 2010 House Bill (HB) 1, appropriated funds from the Local Government Economic Development Fund to the County for specific line-item projects; and,

WHEREAS, because the General Assembly did not assign prioritization among the line-item projects authorized for the County, it is necessary for the County to assign such priority in order for the funds to be disbursed in an orderly fashion; and,

WHEREAS, the General Assembly has, in some counties, appropriated single county coal severance funds directly to other local government entities within those counties; and,

WHEREAS, the County has, where applicable, consulted with those local government entities as to the most effective prioritization of all line-item projects from the County's single county coal severance funds,

NOW, THEREFORE, be it resolved this 17th day of August, 2010, by the Ohio County Fiscal Court:

The Fiscal Court hereby assigns, for administrative purposes, priority among all 2010 HB 1 line-item projects authorized for Ohio County in the following manner:

FY 2011 ('10-'11)

1. Ohio County Fiscal Court -Upgrade and Repair County Roads	\$71,212.00
2. Ohio County Fiscal Court – Equipment Purchases	\$29,667.00
3. Ohio County Fiscal Court – City of Centertown	\$100,000.00

FY 2012 ('11-'12)

Ohio County Fiscal Court – Animal Shelter Construction
 Ohio County Fiscal Court – Equipment Purchases
 \$60,000.00
 \$64,490.00

Done this 17th day of August, 2010. Motion by <u>Judge Jones</u> and seconded by <u>Esq. Keown</u>, members present voting unanimously in favor.

DAVID JONES
OHIO COUNTY JUDGE EXECUTIVE

ATTEST:___

CHERYL MORRIS FISCAL COURT CLERK

The motion was seconded by Esq. Keown and after discussion of said motion the vote being called for was as follows:

Minton Absent
Bullock Yes
Robinson Absent
Keown Yes
Burden Yes
Jones Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve to accept the County Clerk's Financial Status Report for the month of July 2010 as presented (on file in Clerk's office).

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton Absent
Bullock Yes
Robinson Absent
Keown Yes
Burden Yes
Jones Yes

And said motion was unanimously adopted, and it is so ordered.

Recommendation by Judge Jones that the Court approve Jailer Rip Wright's promotion of Donna Calloway from PT 100 to full-time Deputy Jailer at the rate of \$10 per hour effective August 2, 2010 to take the place of Ronakia Schroader who terminated on August 2, 2010.

Roll call vote:

Minton Absent
Bullock Yes
Robinson Absent
Keown Yes
Burden Yes
Jones Yes

And said recommendation was unanimously approved, and it is so ordered.

Motion made by Judge Jones that the Court approve to amend the motion made at the July 6, 2010 Fiscal Court meeting on Page 170 regarding the Cabinet for Families and Children, Ohio County Child Support Office hiring of Greg Hill to reflect **20 hours per month** at \$55 per hour in place of five (5) hours per week at \$55 per hour.

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton Absent
Bullock Yes
Robinson Absent
Keown Yes
Burden Yes
Jones Yes

And said motion was unanimously adopted, and it is so ordered.

Recommendation by Judge Jones that the Court approve to promote 911 Dispatcher Andrea Shephard from permanent parttime at \$10.25 per hour to full-time dispatcher at the rate of \$11 per hour effective retroactive to August 1, 2010.

Roll call vote:

Minton Absent
Bullock Yes
Robinson Absent
Keown Yes
Burden Yes
Jones Yes

And said recommendation was unanimously approved, and it is so ordered.

Recommendation by Judge Jones that the Court approve to promote 911 Dispatcher Sherry McQuady from PRN at the rate of \$9.00 per hour to permanent part-time at the rate of \$10.25 per hour effective August 22, 2010.

Roll call vote:

Minton Absent
Bullock Yes
Robinson Absent
Keown Yes
Burden Yes
Jones Yes

And said recommendation was unanimously approved, and it is so ordered.

Motion made by Judge Jones that the Court approve the following Resolution regarding a CDBG Disaster Recovery Grant application for the construction of an emergency shelter:

RESOLUTION

WHEREAS, the Ohio County Fiscal Court wishes to apply for funding from the 2008 Community Development Block Grant Disaster Recovery Program for the purpose of disaster mitigation and recovery; and,

WHEREAS, the Ohio County Fiscal Court endorses said proposed service; and,

WHEREAS, the County understands that the 2008 Community Development Block Grant Disaster Recovery Program is a federally funded program; and,

WHEREAS, the Ohio County Fiscal Court is eligible to apply for assistance through Community Development Block Grant Disaster Recovery Program,

NOW, THEREFORE, BE IT RESOLVED by the Ohio County Fiscal Court that the Judge-Executive and Successors-in-Title are hereby authorized to execute and submit an application through the Department for Local Government (DLG) with such assurances and required supporting data as is necessary to apply for funding assistance through the 2008 Community Development Block Grant for the cost of constructing the proposed emergency shelter.

ADOPTED this 17 day of August 2010.

David G. Jones, Judge-Executive
Attest

The motion was seconded by Esq. Keown and after discussion of said motion the vote being called for was as follows:

Minton Absent
Bullock Yes
Robinson Absent
Keown Yes
Burden Yes
Jones Yes

And said motion was unanimously approved, and it is so ordered.

Motion made by Esq. Keown that the Court approve to purchase two (2) servers from Voyage Technology at a total cost of \$11,799.98 for use at the Ohio County Courthouse (1), and Ohio County Community Center (1), and to authorize the County Treasurer to remit payment to Voyage Technology for the servers.

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton Absent
Bullock Yes
Robinson Absent
Keown Yes
Burden Yes
Jones Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Keown that the Court approve to go into Closed Session for the discussion of pending litigation on behalf of the Fiscal Court. No other business will be discussed during the Closed Session and no official action shall be taken or consensus made by the Fiscal Court. The legal authority that allows us to go into closed session is KRS 61.810(1)(c) which authorizes the Fiscal Court to have discussions of proposed or pending litigation against or on behalf of the public agency. The legal reason we are going into closed session is for discussion of pending litigation.

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton Absent
Bullock Yes
Robinson Absent
Keown Yes
Burden Yes
Jones Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Keown that the Court approve to go back into Open Session. No other business was discussed or action taken during Closed Session except what was stated by me before going into Closed Session regarding pending litigation.

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton Absent
Bullock Yes
Robinson Absent
Keown Yes
Burden Yes
Jones Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Bullock that the Court approve to grant Ohio County Attorney, Greg Hill, the authority to retain Co-Counsel regarding litigation pending by RPR, Inc. and the Kentucky Transportation Cabinet.

The motion was seconded by Judge Jones and after discussion of said motion the vote being called for was as follows:

Minton Absent
Bullock Yes
Robinson Absent
Keown Yes
Burden Yes
Jones Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Keown that the Court approve to begin procedures, in compliance with statutory regulations, to permanently close approximately 1.1 mile of CR-1086-Ammon Lane; contingent upon all landowners signing a Statement of Agreement.

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton Absent
Bullock Yes
Robinson Absent
Keown Yes
Burden Yes
Jones Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Keown that the Court approve the following Order appointing viewers regarding the closing of CR-1086 Ammon Lane:

OHIO COUNTY FISCAL COURT ORDER

Pursuant to an Order of the Ohio County Fiscal Court, on August 17, 2010, to permanently close approximately 1.1 mile of CR-1086 Ammon Lane and pursuant to the provisions of KRS 178.070, the Court directs the Ohio County Judge Executive to do the following:

- 1) The Judge Executive shall cause to be published a Notice as required by law and the placement of the Notice at three prominent and visible public places, each within one mile of the road.
- 2) The Fiscal Court hereby appoints Larry Morris and Bob Cox as two viewers who along with the Ohio County Road Foreman shall view and inspect the portion of the road requested to be permanently closed and after the required Notice and publication, report to the Fiscal Court in writing at a public hearing to be held at the hour of 3:30 p.m. on Tuesday, October 19, 2010, what inconvenience, if any, would result from the permanent closing of Ammon Lane so moved.

A vote of the Fiscal Court was taken as follows:

VOTE: YES NO Minton Absent Bullock Yes Robinson Absent Keown Yes Burden Yes Yes Jones This the 17th day of August 2010.

> David G. Jones Ohio County Judge Executive

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton Absent
Bullock Yes
Robinson Absent
Keown Yes
Burden Yes
Jones Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Burden that the Court approve to disburse the remaining funds of Project #496-Bluegrass Music Tourism coal severance account in the amount of \$89,853.30 as follows:

The Rosine Association \$27,000 Ohio County Tourism \$38,000 Jerusalem Ridge Foundation \$24,853.30

with said funds to be paid by the Ohio County Treasurer on invoices from vendor(s) or reimbursement to an above-listed entity upon receipt of a paid invoice or cancelled check .

The motion was seconded by Judge Jones and after discussion of said motion the vote being called for was as follows:

Minton Absent
Bullock No
Robinson Absent
Keown Yes
Burden Yes
Jones Yes

Said motion having carried three (3) to one (1) it is so ordered.

Recommendation by Judge Jones that the Court approve to hire Rebecca Pogue as full-time Office Clerk at the Ohio County Road Department at the rate of \$10.75 per hour effective August 26, 2010 to replace Jackye Magan who retired on August 1, 2010.

Roll call vote:

Minton Absent
Bullock Yes
Robinson Absent
Keown Yes
Burden Yes
Jones Yes

And said recommendation was unanimously approved, and it is so ordered.

Motion made by Judge Jones that the meeting is adjourned.

The motion was seconded by Esq. Bullock and after discussion of said motion the vote being called for was as follows:

Minton Absent
Bullock Yes
Robinson Absent
Keown Yes
Burden Yes
Jones Yes

And said motion was unanimously adopted, and it is so ordered.

Meeting is adjourned.

David Jones, Judge Executive